



[BILLING CODE 4000-01-P]

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0117]

**Agency Information Collection Activities; Comment Request; Borrower Defenses Regulations**

**AGENCY:** Department of Education (ED), Federal Student Aid (FSA)

**ACTION:** Notice.

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**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before [insert the 60th day after publication of this notice].

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2019-ICCD-0117. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or e-mail and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12<sup>th</sup> Street, SW, PCP, Room 9086, Washington, D.C. 20202-0023.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, 202-377-4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Borrower Defenses Regulations

*OMB Control Number:* 1845-0142

*Type of Review:* A revision of an existing information collection

*Respondents / Affected Public:* Individuals or Households; Private Sector

*Total Estimated Number of Annual Responses:* 11,487

*Total Estimated Number of Annual Burden Hours:* 5,531

*Abstract:* The Department of Education (the Department) requests a revision of the current information collection associated with OMB Control Number 1845-0142 due to an increase in the number of borrowers asserting a borrower defense to repayment claim..

The only change to the collection is an update to increase the number of respondents, responses and burden hours.

The regulations in §685.222 provide a framework for the borrower defense individual and group process that applies to loans first disbursed on or after July 1, 2017 and before July 1, 2020, including descriptions of the circumstances under which group borrower defense claims could be considered, and the process the Department will follow for borrower defenses for a group. The regulations establish a process for review and determination of a borrower defense for groups identified by the Secretary for which the borrower defense is made regarding a Direct Loans for attendance at a closed school that has not provided financial protection currently available to the Secretary from which to recover any losses based on borrower defense claims, and for which there is no appropriate entity from which the Secretary can otherwise practicably recover such losses. The regulations also establish the process for groups identified by the Secretary for which the borrower defense is asserted with respect to Direct Loans to attend an open school.

Dated: September 13, 2019.

**Kate Mullan,**  
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Information Collection Clearance Program,  
Information Management Branch,  
Office of the Chief Information Officer.*

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